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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91221644
Party	Defendant California Eastern Laboratories, Inc.
Correspondence Address	BETH M GOLDMAN ORRICK HERRINGTON & SUTCLIFFE LLP 405 HOWARD ST SAN FRANCISCO, CA 94105 UNITED STATES dappelman@mh-llp.com, beth.goldman@orrick.com, ipprosecutionsf@orrick.com, eaghnam@orrick.com, mmyles@orrick.com
Submission	Answer
Filer's Name	Scott Lonardo
Filer's e-mail	slonardo@orrick.com, beth.goldman@orrick.com, ipprosecutionsf@orrick.com, eaghnam@orrick.com
Signature	/Scott Lonardo/
Date	06/23/2015
Attachments	Applicant's Answer to Notice of Opposition - 91221644.pdf(45535 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 86/398,074  
Mark: **MESHWORKS**

COMPLEX, INC.,  Opposer,  v.  CALIFORNIA EASTERN LABORATORIES, INC.,  Applicant.	<b>ANSWER TO NOTICE OF OPPOSITION</b>  Opposition No. 91221644
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**ANSWER TO NOTICE OF OPPOSITION**

Applicant, California Eastern Laboratories, Inc. (“Applicant”) for its Answer to the Notice of Opposition (“Answer”) in the above-captioned matter responds to the Notice of Opposition (“Opposition”) as follows:

1.       Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 1 and accordingly denies those allegations.
2.       Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 2 and accordingly denies those allegations.
3.       Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 3 and accordingly denies those allegations.
4.       Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 4 and accordingly denies those allegations.
5.       Applicant admits that the U.S. Patent and Trademark Office’s Trademark Electronic Search System (“TESS”) reflects that U.S. Trademark Reg. No. 4,276,854 is for the mark MESH@WORK, lists Opposer as the owner, lists January 15, 2013 as the registration date,

and lists “computer networking hardware” as the goods for which the mark is registered.

Applicant also admits that Opposer purports to have attached a copy of the registration certificate to its Notice of Opposition. Except as expressly admitted, Applicant denies the allegations of Paragraph 5.

6. Applicant admits that Opposer filed a First 90 Day Request for Extension of Time to Oppose for Good Cause, seeking to extend its time to file an opposition until June 10, 2015. Applicant also admits that Opposer purports to have attached a copy of the request to its Notice of Opposition. Except as expressly admitted, Applicant denies the allegations of Paragraph 6.

7. Applicant admits that, on September 17, 2014, it applied to register the mark MESHWORKS for “a suite of software programs that enable the fast development, customization and implementation of wireless networks, namely of wireless sensor and control networks” in class 9. Applicant also admits that its application was published for opposition in the *Official Gazette* on February 10, 2015. Except as expressly admitted, Applicant denies the allegations of Paragraph 7.

8. Applicant denies the allegations of Paragraph 8.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE**

9. Opposer’s claim is barred, in whole or in part, because there is no likelihood of confusion between Opposer’s mark and Applicant’s mark.

#### **SECOND AFFIRMATIVE DEFENSE**

10. Opposer’s claim is barred, in whole or in part, by the doctrines of acquiescence and waiver.

**THIRD AFFIRMATIVE DEFENSE**

11. Opposer's claim is barred, in whole or in part, by the doctrines of equitable estoppel, unclean hands, unjust enrichment, laches, and other equitable doctrines.

WHEREFORE, Applicant respectfully requests that the subject Opposition against its application for MESHWORKS be dismissed with prejudice.

Respectfully submitted,  
ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: June 23, 2015

By: 

Beth Goldman  
405 Howard Street  
San Francisco, CA 94105  
Tel: (415) 773-5700  
[beth.goldman@orrick.com](mailto:beth.goldman@orrick.com)

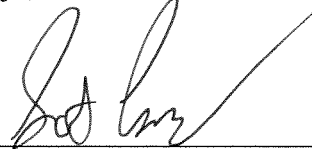
Scott Lonardo  
1000 Marsh Road  
Menlo Park, CA 94025  
Tel: (650) 614-7400  
[slonardo@orrick.com](mailto:slonardo@orrick.com)  
[ipprosecution@orrick.com](mailto:ipprosecution@orrick.com)  
Attorneys for Applicant,  
CALIFORNIA EASTERN  
LABORATORIES, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served by First Class Mail on June 23, 2015, on counsel of record for Opposer at the following address:

Bruce B. Brunda  
Stetina Brunda Garred & Brucker  
75 Enterprise, Suite 250  
Aliso Viejo, CA 92656

Dated: June 23, 2015

  
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Scott Lonardo